

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)	
Charles M. McNeill,)	
)	
Plaintiff,)	
)	
vs.)	SUMMONS
)	
Belk, Inc.)	(Jury Trial Demanded)
)	
Defendant.)	

TO: THE DEFENDANT(S) ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your answer to said Complaint on the subscriber at his office at 225 Chesterfield Street, N.W. (P.O. Box 1115), Aiken, South Carolina, 29801, within thirty (30) days after the service hereof, exclusive of the date of such service; and if you fail to answer the Complaint with the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in this Complaint, and judgment by default will be rendered against you for the relief demanded in the Complaint.

MAXWELL LAW FIRM, PC

Aiken, South Carolina

March 18, 2021

By: s/Ronald A. Maxwell
 RONALD A. MAXWELL
 Attorney for Plaintiff
 PO Box 1115
 Aiken, SC 29802
 (803) 641-6700
 rmaxwell@maxwelllawfirm.com

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)	
Charles M. McNeill,)	
)	
Plaintiff,)	
)	COMPLAINT
vs.)	
)	
Belk, Inc.)	(Jury Trial Demanded)
)	
Defendant.)	

The Plaintiff, complaining of the Defendant above-named, would show unto the Court as follows:

1. That the Plaintiff is a resident and citizen of Aiken County, South Carolina.
2. That the Defendant is a corporation incorporated in the State of South Carolina, and doing business in the State of South Carolina.
3. That on or about November 30, 2018, the Plaintiff was employed by J.B. Hunt Transport, Inc. as a truck driver servicing a contract for the Defendant by transporting trailers of goods owned by the Defendant to various locations.
4. That on November 29, 2018, the Plaintiff picked up a load from the Belk Distribution Center in Blythewood, South Carolina, which was owned and operated by the Defendant herein.
5. That the Defendant herein, through its agents, servants, and employees owned the trailer, owned all the product in the trailer, loaded the trailer, and did all things necessary to prepare

for the transport the goods contained within the trailer except to provide the tractor and driver, the Plaintiff herein.

6. That venue is appropriate in Aiken County pursuant to the Code of Laws of South Carolina 1976 Annotated §15-7-30(C)(2), "A civil action tried pursuant to this section against a resident individual defendant must be brought and tried in the county in which the (2) most substantial part of the alleged act or omission giving rise to the cause of action occurred. The boxes were loaded at the Belk Distribution Center in Blythewood, South Carolina, which is located in Richland County, S.C.

7. That on November 30, 2018, after picking up a load from the Defendant's place of business in Blythewood, South Carolina, on November 29, 2018, the Plaintiff drove to a store owned and operated by the Defendant in Somerset, Kentucky, where the Plaintiff placed his conveyor into the trailer and locked the wheels at which time a "wall" of boxes about eight to nine feet high fell on him knocking him into the conveyor and pinning his leg to the conveyor.

8. That as a result of the incident, the Plaintiff sustained personal injuries, physical harm, pain and suffering, medical and drug expenses, loss of enjoyment of life, and emotional distress, all of which are believed to be of a permanent nature.

9. That the direct and proximate cause of the Plaintiff's damages and personal injuries, without which the same would not have occurred, was the negligence, recklessness, willfulness, wantonness, carelessness, and gross negligence of the Defendant herein, through its agents, servants and employees, was negligent in the following particulars:

- a) In failing to properly stack the boxes contained within its trailer;
- (b) In failing to properly inspect and make sure said boxes had been appropriately stacked prior to the Plaintiff's picking up of said load;
- (c) In failing to have in place appropriate guidelines for the appropriate packing of said boxes into the trailer owned by the Defendant;
- (d) In failing to make sure the boxes were safe for transport and unloading;
- (e) In failing to warn the Plaintiff of the condition of the boxes in the trailer;
- (f) In failing to correct its policy in regards to the packing of boxes after being warned specifically by the Plaintiff herein, and possibly others; and
- (g) In failing to act as a reasonable and prudent business entity would under the circumstances then and there prevailing.

10. That as a result the Plaintiff is informed and believes that he is entitled to judgment against the Defendant corporation for the damages and injuries he sustained in this collision.

11. That the Plaintiff does hereby demand a jury trial in this matter.

WHEREFORE, the Plaintiff prays for judgment against the Defendant in an appropriate amount, for such punitive damages as the Court would deem just and proper, for the costs of this action, and for such other and further relief as the Court would deem just and proper.

(Signature on next page)

MAXWELL LAW FIRM, P.C.

Aiken, South Carolina

March 18, 2021

s/ Ronald A. Maxwell

RONALD A. MAXWELL, SC Bar #3697

Co-counsel for Plaintiff

Post Office Box 1115

Aiken, South Carolina 29802

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OFFICES OF JOHN W. HARTE

s/ John W. Harte

JOHN W. HARTE, SC Bar #

Co-counsel for Plaintiff

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STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)	
Charles M. McNeill,)	CASE NO. 2021-CP-40-01274
Plaintiff,)	
vs.)	AFFIDAVIT OF SERVICE BY
)	CERTIFIED MAIL
Belk, Inc.)	
Defendant.)	

PERSONALLY appeared before me, RONALD A. MAXWELL, who after being duly sworn, deposes and says:

That he is the attorney for the Plaintiff in the above-captioned action. Pursuant to Rule 4 of the South Carolina Rules of Civil Procedure, he served the Defendant, Belk, Inc., with a copy of the Summons and Complaint, by certified mail, return receipt requested, to the Registered Agent for Service, National Registered Agents, Inc. at its last known address, 2 Office Park Court, Suite 103, Columbia, SC, 29223. The attached United States Postal Service Receipt indicates that the agent for Defendant received the Summons and Complaint on March 29, 2021, as evidenced by the attached return receipt card.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p style="font-family: cursive;">NATIONAL REGISTERED AGENTS, INC. 2 OFFICE PARK COURT, SUITE 103 COLUMBIA SC 29223</p> <div style="text-align: center;">  9590 9402 6032 0069 7681 55 </div> <p>2. Article Number (Transfer from service label)</p> <p style="font-family: cursive;">7020 2450 0002 0595 4038</p>	<p>A. Signature <i>Use Stamp</i></p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p style="text-align: right; font-family: cursive;">3-29-21</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>	<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>

PS Form 3811, July 2015 PSN 7530-02-000-9058 Domestic Return Receipt

SWORN to before me this 19th day of April, 2021

Ronald A. Maxwell
 Notary Public of South Carolina
 My Commission Expires: 3/16/25

Ronald A. Maxwell
 RONALD A. MAXWELL